

Secretary Mike Chrisman
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

February 14, 2005

Dear Mr. Secretary:

Thank you for your letter of January 28, 2005 and the invitation to participate in discussions involving the California Environmental Quality Act (CEQA). With the many dynamic changes, as well as challenges, facing California's growing population, we welcome this opportunity for dialogue and commend you for seeking input into this process.

You asked in your letter: "What improvements can be made to CEQA to encourage efficient land use patterns in the development of housing and infrastructure while protecting valuable habitat and productive farmland?" We understand the basic premise of CEQA is to develop and maintain a high quality environment now and in the future with the responsibility for California's public agencies to identify significant environmental impacts of their own actions, avoid significant environmental impacts where feasible and mitigate those environmental effects if possible.

With such a broad and wide sweeping definition, these well-intended goals of CEQA have, at the very least in perception, fallen victim to inconsistencies in implementation and interpretation. The analysis of whether an activity is a "project" or if there are "significant" impacts, even though the current system provides guidelines still allows for a level of subjectivity, both on a regional as well as individual agency basis that leads to inconsistent results statewide. In a state as diverse as California, that has many different views on how to approach potential development and environmental review, CEQA has seemingly become in some people's eyes a process available simply to say "no" and a means to maintain whatever benefits are available to the status quo. However, given the demands on California's infrastructure due to its rising population, the status quo will simply not hold.

There must be a recognition that change is inevitable and the true goal is to manage change for the maximum benefit. This benefit must be balanced among competing needs for human, wildlife and plant life. In directing the most efficient land use patterns, we know that we will not be able to save "all farmland" and "all wildlife habitat". But in saying this fact, we must also comprehend that all farmland and all wildlife habitat are not created equal. Some farmland and habitat are truly more valuable than others. We have to understand that we cannot stop growth but we can and should be more successful in directing growth to maximize our existing resources. The reality is that there will be more people who will want and demand a quality of life equal to or better than what we are currently enjoying. We will need housing and an improved transportation system. We understand this need but in meeting it, we should adhere to the principal of mitigation by better recognizing the relative value of farmland and habitat.

As an agricultural representative for an organization with many members whose families have farmed for generations, I believe that a clear majority of our members understand that it is not feasible to save all “farmland” in California. With that being said, they believe in the need to create a consistent, fair system to evaluate, without bias to the greatest extent possible, the true relative value of farmland that would come under CEQA review for impacted projects.

An old saying is that laws are really nothing more than trying to do the fair and decent thing. The principal of fairness and reasonability must be a component in the process of improving any complex law such as CEQA. Rigid positions without the possibility of compromise will yield no results. It has been said that CEQA is a self-executing statute where public agencies are entrusted with carrying out its compliance and the public, through litigation or threats thereof, enforces its provisions, as necessary. This is how the system has truly developed and unfortunately creates an unfair advantage for those with the greatest amount of economic resources. Based upon costs, litigation is not always an equal tool for all parties. A system that relies so heavily on lawsuits is one that is crying for reform.

In summary, while I’m sure these are not new and groundbreaking ideas, these are three ways in our view to improve CEQA while addressing your stated challenge:

- 1) More consistency in the interpretation and implementation of the law.
- 2) An improved and defined system to measure relative value of farmland and habitat.
- 3) A system that is not so prone to litigation.

Also, in the process of evaluation, there should be a realization that there is indeed an impact if we do nothing. We must realize that there is always potentially a negative in not providing for the needs of a growing population. By restricting development to the extreme, we create barriers to entry “to the American dream” for many in our society and that situation creates clear societal costs as well.

As your process of interaction and dialogue progresses, we look forward to providing thoughts on behalf of our membership. We again thank you for this opportunity and look towards working with you for the benefit of California and its citizens.

Sincerely,

Barry J. Bedwell
President
California Grape and Tree Fruit League

